

ORDINANCES

ALABAMA DEPARTMENT
ARCHIVES AND HISTORY
MONTGOMERY.

ADOPTED BY THE

PEOPLE OF THE STATE OF ALABAMA,

IN CONVENTION, AT MONTGOMERY,

COMMENCING ON THE

Seventh day of January, 1861.

ANDREW B. MOORE, Governor.

WILLIAM M. BROOKS, President of the Convention.

MONTGOMERY, ALA.:

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1861.

ORDINANCES OF ALABAMA

AN ORDINANCE

To dissolve the Union between the State of Alabama and other States united under the compact styled "The Constitution of the United States of America."

WHEREAS, the election of Abraham Lincoln and Hannibal Hamlin to the offices of President and Vice President of the United States of America, by a sectional party, avowedly hostile to the domestic institutions and to the peace and security of the people of the State of Alabama, preceded by many and dangerous infractions of the Constitution of the United States by many of the States and people of the Northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security; therefore,

Be it declared and ordained by the people of the State of Alabama in Convention assembled, That the State of Alabama now withdraws, and is hereby withdrawn from the Union known as "the United States of America," and henceforth ceases to be one of said United States, and is, and of right ought to be a SOVEREIGN and INDEPENDENT STATE.

SEC. 2. *Be it further declared and ordained by the people of the State of Alabama in Convention assembled, That all the powers over the Territory of said State, and over the people thereof, heretofore delegated to the Government of the United States of America, be and they are hereby withdrawn from said Government, and are hereby resumed and vested in the people of the State of Alabama.*

And as it is the desire and purpose of the people of

Alabama to meet the slaveholding States of the South, who may approve such purpose, in order to frame a provisional as well as permanent Government upon the principles of the Constitution of the United States,

Be it resolved by the people of Alabama in Convention assembled, That the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, and Missouri, be and are hereby invited to meet the people of the State of Alabama, by their Delegates, in Convention, on the 4th day of February, A. D. 1861, at the city of Montgomery, in the State of Alabama, for the purpose of consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security.

And be it further resolved, That the President of this Convention, be and he is hereby instructed to transmit forthwith a copy of the foregoing Preamble, Ordinance, and Resolutions to the Governors of the several States named in said resolutions.

Done by the people of the STATE OF ALABAMA, in Convention assembled, at MONTGOMERY, on this, the eleventh day of January, A. D. 1861.

No. 2.]

AN ORDINANCE

Concerning Citizenship.

SEC. 1. *Be it declared and ordained by the people of Alabama in Convention assembled,* Every person who, at the date of the Ordinance of Secession, was residing in this State, and was then by birth or otherwise a citizen of the United States of America, shall continue a citizen of this State, unless a foreign residence shall be established by such person with the intention of expatriation.

SEC. 2. Every free white person who, after the date aforesaid, may be born within the territory of this State, or may be born outside of that territory, of a father or

mother who then was a citizen of this State, shall be a citizen thereof.

SEC. 3. So, also, every person who, by birth or naturalization, was a citizen of the United States of America, or of any slaveholding State of North America, and who, within twelve months after the date of the Ordinance of Secession, shall come to reside in this State, with the intention of becoming a citizen thereof. But if such person was born in a foreign State or country, or in a non-slaveholding State, he or she shall take the oath of allegiance to this State below provided.

SEC. 4. So, also, every free white person who shall furnish satisfactory evidence of good character, and who shall be engaged in the actual service, military or naval, of the State, and shall take an oath of his intention to continue in such service for at least six months, and who actually serves six months, unless sooner discharged honorably, and also the oath of allegiance below prescribed. In this case, the oaths shall be administered by some commissioned officer of the service in which the applicant for citizenship may be engaged, superior in rank to the applicant, but not of lower rank than Colonel, and a citizen of Alabama; and thereupon, certificate of the citizenship of the applicant shall be signed by the officer and delivered to the applicant, and must be recorded in some court of record in this State.

SEC. 5. In all cases the citizenship of a man shall extend to his wife, present or future, whenever she shall have a residence in the State, and shall extend also to each of his children, who, under the age of twenty-one years, may have a residence in this State. In like manner, the citizenship of a woman shall extend to each of her children who, under the age of twenty-one years, may have a residence in the State: *Provided*, That in no case shall citizenship extend to any person who is not a free white person, except those provided for in the first section of this ordinance.

SEC. 6. That the oath of allegiance to this State shall be in the following form, viz: "I do swear (or affirm) that I will be faithful and true allegiance bear to the State of Alabama, as long as I may continue a citizen thereof."

SEC. 7. The oath of abjuration shall be in the following form, viz: "I do swear (or affirm) that I do renounce and forever abjure all allegiance and fidelity to every

prince, potentate, State, or sovereignty whatever, except the State of Alabama.

Adopted, January 26, 1861.

No. 3.]

AN ORDINANCE

To change the Oath of Office in this State.

Be it declared and ordained, and it is hereby declared and ordained, by the people of the State of Alabama in Convention assembled, That the first section and sixth article of the Constitution of the State of Alabama be amended by striking out of the fifth line of said section the words "Constitution of the United States and the," after the word "the," and before the word "Constitution," where they occur.

And be it further ordained as aforesaid, That all officers in this State are hereby absolved from the oath to support the Constitution of the United States heretofore taken by them.

Adopted, January 15, 1861.

No. 4.]

AN ORDINANCE

To repeal an Ordinance therein named.

Be it ordained by the people of the State of Alabama in Convention assembled, That an ordinance adopted by the people of this State, in Convention at Huntsville, on the second day of August, one thousand eight hundred and nineteen, disclaiming forever all right to the waste or unappropriated lands lying within this State, is hereby repealed; but the navigable waters of this State shall remain forever highways free to the citizens of this State, and of such States as may unite with the State of Alabama in a Southern Slaveholding Confederacy.

Adopted, January 28, 1861.

No. 5.]

AN ORDINANCE

To provide for the Military Defense of the State of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled,* That the Governor be and he is hereby authorized and empowered, in the event of a declaration of war against the State of Alabama, or of an actual invasion of its territory, or of imminent danger of such invasion, to cause to be enlisted and to call into actual service a number of troops not exceeding one thousand non-commissioned officers, musicians and privates, to be enlisted for a term of three years, unless sooner discharged.

SEC. 2. *Be it further ordained,* That the Governor be and he is hereby authorized to organize said troops into corps of artillery, cavalry, or infantry, as the exigencies of the service may require, and to appoint the commissioned officers thereof.

SEC. 3. *Be it further ordained,* That each of said enlisted men shall be entitled to receive a bounty of ten dollars, one-half on enlisting and the other half on joining the corps to which he may belong.

SEC. 4. *Be it further ordained,* That the officers and non-commissioned officers shall be entitled to the same pay and allowances as is now fixed by law for officers and non-commissioned officers of the same grade and arm of service in the army of the United States, and the private soldiers shall receive the same pay, clothing and allowances as private soldiers in the same arm of service in the army of the United States.

SEC. 5. *Be it further ordained,* That whenever the public safety shall demand it from any of the aforementioned causes, in addition to the aforesaid number of troops, the Governor shall be and is hereby empowered to accept the services of any number of volunteers who shall associate and offer themselves for the service, either as artillery, cavalry or infantry, and the volunteers so accepted shall have power in the first instance to elect their own company officers, and when organized into regiments, or battalions, they shall also have power to elect their regimental field officers; but vacancies occurring in said regiments, or battalions, or companies, shall

be filled by regular promotion, according to rules for the regulation of the army of the United States.

SEC. 6. *Be it further ordained*, That said volunteers, when so accepted, shall be subject to the same rules and regulations, and entitled to the same pay, rations, clothing, and emoluments of every kind, except as to bounty, as the enlisted men to be raised by this Ordinance.

SEC. 7. *Be it further ordained*, That said volunteers shall not be accepted for a less term of service than one year, unless sooner discharged by the Governor.

SEC. 8. *Be it further ordained*, That the Governor shall be and he is hereby authorized and empowered to appoint one Major General, who shall be entitled to the pay and allowances of a Major General in the army of the United States, who shall hold his office during good behavior, and shall be entitled to the command of all the troops of the State when in service, whether the same shall be regulars, volunteers, or militia. And the Governor shall from time to time appoint Brigadier Generals, according to the number of troops in the field and the exigencies of the service, not to exceed one Brigadier General for every two regiments, whose pay and allowances shall be the same as Brigadier Generals in the army of the United States, and whose commissions shall be vacated and withdrawn according as in the opinion of the Governor their services may be dispensed with; and the said Brigadier Generals shall take rank according to the date of their commissions.

SEC. 9. *Be it further ordained*, That the Governor shall be, and he is hereby empowered to appoint an Adjutant and Inspector General, whose rank shall be that of a Brigadier General, and who shall be entitled to the pay and allowances of a Brigadier General. And the Governor may also appoint an Assistant Adjutant General, with the rank, pay and allowances of a Colonel of Dragoons. And the Governor may also appoint a Quarter-master General, who shall be entitled to the rank, pay and allowances of a Brigadier General; and two Assistant Quarter-masters, who shall each be entitled to the rank, pay and allowances of a Captain of Dragoons. And the Governor may also appoint a Surgeon General and a Pay-master General, who shall each be entitled to the pay and allowances of a Colonel of Infantry.

SEC. 10. *Be it further ordained*, That the staff officers whose appointment is provided for in the foregoing sec-

tion, shall hold their commissions subject to the discretion of the Governor, and may be dismissed at any time when in his judgment the public service requires it to be done.

SEC. 11. *Be it further ordained,* That the laws of the United States respecting the regulations and emoluments of recruiting officers, punishment of persons who shall procure or entice a soldier to desert, or shall purchase his arms, uniform, clothing, or any part thereof, and the punishment of every commanding officer of any ship or vessel, who shall receive on board of his ship or vessel, knowing him to have deserted, or otherwise carry away any soldier, or refuse to deliver him up to his commanding officer, shall be in force and apply to all matters and things within the intent and meaning of this ordinance.

SEC. 12. *Be it further ordained,* That no officer of the line or staff who may be appointed under the provisions of this ordinance, shall be entitled to receive pay or allowances until he shall be called into actual service, nor for any longer time than he shall continue therein: *Provided,* That nothing in this ordinance shall be so construed as to prevent officers from receiving pay and allowances while engaged in the recruiting service, or while prevented from the discharge of their duties by wounds or sickness, or while absent from their posts on leave.

SEC. 13. *Be it further ordained,* That there shall be appointed by the Governor an Ordnance Officer, with the rank, pay and allowances of a Lieutenant Colonel of Artillery, who shall have charge of all the public arms and munitions of war of every kind and description whatever, and the said Ordnance Officer shall be assisted in the discharge of his duties by a Lieutenant or Lieutenants, who may be detailed for that purpose by the Major General, whenever in his opinion the public service so requires.

SEC. 14. *Be it further ordained,* That the Quartermaster General, Pay-master General, Ordnance Officer, and Assistant Quarter-masters, shall each give bond and security, to be approved by the Governor, and renewable at his pleasure, for the faithful performance of the duties of their respective offices.

SEC. 15. *Be it further ordained,* That the Major General, whose appointment is provided for by this ordinance, shall be authorized to appoint a Military Secretary, with

the rank, pay and allowances of a Captain of Dragoons.

SEC. 16. *Be it further ordained*, That each General officer may appoint his staff officers, whose rank, pay and allowances shall be the same as that of staff officers of the same grade in the army of the United States.

SEC. 17. *Be it further ordained*, That the Regulations for the Army of the United States, directed to be published on the first day of January, 1857, by Jeff. Davis, Secretary of War, shall be and the same are hereby adopted by the State of Alabama, so far as they consist with the provisions of this ordinance, and of other ordinances which have been or may be adopted by this Convention.

SEC. 18. *Be it further ordained*, That the next General Assembly, and each subsequent General Assembly of the State of Alabama may make such alterations in, or amendments to, the foregoing ordinance as in their judgment the public service may require.

SEC. 19. *Be it further ordained*, That the system of accountability of each department of the army of the United States as now in force, with such alterations and modifications as are or may be necessary to adapt them to the government of the military forces of the State of Alabama, be and the same are hereby adopted.

Adopted, January 19, 1861.



No. 6.]

AN ORDINANCE

To re-organize the Militia of the State of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That all military commissions in the Militia of the State of Alabama, of every grade and description, shall be, and the same are hereby annulled, and declared to be utterly null and void: *Provided, however*, That officers now holding such commissions shall not be deprived of their commands, until a new election is held, and their successors have been qualified, as hereinafter provided for.

SEC. 2. *Be it further ordained*, That the foregoing section shall not apply to the Adjutant General and Quartermaster General of the Militia, who shall be retained in office subject to the pleasure of the Legislature; and

may be dismissed or retained, as the Legislature shall direct.

SEC. 3. *Be it further ordained, That the duties of the Adjutant General and the Quarter-master General of the Militia as now established by law, shall be entirely distinct and separate from the duties of the Adjutant General and Quarter-master General whose appointments are provided for by an ordinance entitled "an Ordinance to provide for the Military defense of the State of Alabama," and shall be confined exclusively to the Militia, as contradistinguished from the enlisted men and volunteers actually in service.*

SEC. 4. *Be it further ordained, That the departments of Adjutant General and Quarter-master General of the Militia shall be subordinate and subject to the order, direction and control of the corresponding departments of the regular and volunteer service.*

SEC. 5. *Be it further ordained, That the Legislature shall have power to prescribe the time and mode of election for filling the vacancies created by this ordinance, and to do all other acts and things in relation thereto, or in relation to promoting the efficiency of the Militia which, in their judgment, the public service may require, not inconsistent with the provisions of this ordinance, or of any other ordinance which has been or may be passed by this Convention.*

Adopted, January 23, 1861.

No. 7.]

AN ORDINANCE

To authorize Colonels of Volunteer Regiments to appoint their own Staff Officers.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled, That each Colonel of a volunteer regiment who shall be received into the service of the State of Alabama, under the provisions of an ordinance entitled "an Ordinance to provide for the Military defense of the State of Alabama," passed January 19, 1861, shall be authorized and empowered, and he is hereby authorized and empowered to appoint and remove at his pleasure the following regimental staff, viz: one Adjutant and one Quarter-master, with the rank, pay and*

allowances of a 1st Lieutenant of Dragoons; one Surgeon and two Assistant Surgeons, whose rank and pay shall be the same as that of the same officers in the army of the United States; one Sergeant Major, one Quartermaster Sergeant, one Drum Major, and one Fife Major, who shall be entitled to the same pay and allowances as non-commissioned officers of the same grade in the army of the United States.

SEC. 2. *Be it further ordained*, That each Captain of a Company shall be empowered to appoint the non-commissioned officers of his company, subject, however, to the approval of the Colonel, and removable at his pleasure.

SEC. 3. *Be it further ordained*, That when vacancies occur in the rank of 2d Lieutenant of volunteers, the Colonel of the regiment in which such vacancies occur shall be authorized and empowered to fill such vacancies by original appointment from the non-commissioned officers and privates of the regiment.

Adopted, January 26, 1861.

No. 8.]

AN ORDINANCE

Supplemental to an Ordinance entitled "An Ordinance to provide for the Military Defense of the State of Alabama."

Be it ordained by the people of Alabama in Convention assembled, That the fifth section of an ordinance entitled "an Ordinance to provide for the Military Defense of the State of Alabama," shall be so construed as to authorize the Governor to accept the services of separate companies of volunteers offering themselves for service; and such companies, after their acceptance by the Governor, shall elect their company officers.

Adopted, January 29, 1861.

No. 9]

AN ORDINANCE

Supplemental to an Ordinance to provide for the defense of Alabama.

Be it ordained by the people of Alabama in Convention assembled, That the Governor be, and he is hereby authorized to extend and carry into effect the provisions of the "Ordinance to Provide for the Military Defense of the State of Alabama," for the purpose of protecting the coast defenses of the Gulf of Mexico, and to prevent or repel invasion in that quarter.

Adopted, January 29th, 1861.

No. 10]

AN ORDINANCE

To provide for the Removal of the Arms and Munitions of War, at Mount Vernon, in the State of Alabama, to a place or places of greater security.

Be it ordained by the people of Alabama in Convention assembled, That the Governor of this State be and he is hereby authorized and empowered, to remove the arms and munitions of war of every kind and description, taken at the United States Arsenal at Mount Vernon, in the State of Alabama, and distribute them in such quantities as in his opinion the public service may require, among the following named cities and towns, viz: Mobile, Eufaula, Montgomery, Tuscaloosa, Jacksonville, Selma, Talladega and Huntsville, and such other places as the Governor may select; to be kept and delivered out only upon the order of the Governor, for the equipment of volunteers, or of Military companies in the service of the State, except in cases of insurrection or invasion: *Provided,* That none of said cities or towns shall be entitled to receive a distributive share of said arms or munitions, unless the Corporate authorities thereof shall provide a place for the safe keeping of the same, and become responsible for their delivery, or the delivery of any portion of the same, on the order of the Governor, whenever the public service may require it.

Adopted, January 26th, 1861.

In relation to the Collector of the Port of Mobile.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled, and it is hereby ordained by authority of the same, That Thaddeus Sanford, late Collector of the Port of Mobile, and his subordinates in office under the Government of the United States, be re-appointed to their respective offices, by the State of Alabama, and that compensation of such officers, be the same as that they received from the Government of the United States.*

SEC. 2. *Be it further ordained, That the said T. Sanford, Collector, as aforesaid, be instructed to retain in his hands, subject to the order of this Convention, (and with a view to future settlement with the Government of the United States,) all such money as he may have had in his hands as Collector of the United States at the Port of Mobile, on the day of the passing of the ordinance withdrawing the State of Alabama from the Federal Union—and that the State of Alabama is hereby pledged to indemnify and save harmless the said T. Sanford and his securities on his official bond to the government of the United States, for any loss or damage he or they may sustain, by complying with the requirements of this Ordinance.*

SEC. 3. *Be it further ordained, That His Excellency, the Governor, be authorized to issue a Commission to T. Sanford, as Collector of the Port of Mobile, and that he be required to enter into bond with security, to be approved by the Judge of the 6th Judicial Circuit of the State of Alabama, in the same sum as is set forth in his bond to the United States, for the faithful discharge of his duties as Collector of said Port,—such bond to be transmitted to the Governor to be filed among the archives of the State, and that upon the execution of said bond he proceed to grant clearances to vessels, and collect duties, as he has heretofore done under the laws of the United States, until otherwise ordered by this Convention.*

Adopted, January 14th, 1861.

Supplemental to an Ordinance heretofore passed in reference to the Custom House at Mobile.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled, and it is hereby ordained by the authority of the same,* That the Collector of the Customs at the Port of Mobile, in all his official acts, and in the style of the documents it may be necessary for him to issue, shall do, and issue the same, in the name of the State of Alabama.

SEC. 2. That, until otherwise provided by the Convention, the Tariff, Revenue, Collection, Ware-housing, and Navigation Laws of the United States, so far as they may be applicable, be, and the same are hereby adopted and made the laws of this State, saving that no duties shall be collected upon imports from the States forming the late Federal Union, nor upon the tonnage of vessels owned in whole or in part by citizens of said States.

SEC. 3. That all vessels built in Alabama or elsewhere, one-third of which shall be owned by a citizen or citizens of Alabama, or of any other slaveholding State of the late Federal Union, and commanded by a citizen thereof, and no other, shall be registered as vessels of Alabama, under the authority of the Collector of the Port aforesaid.

SEC. 4. That all moneys hereafter collected by the Collector aforesaid, whether upon goods, wares, and merchandise in bond or public store, or that shall hereafter arrive from any foreign country, shall, after deducting the sums necessary for the compensation of officers, and other expenses hereinafter referred to, be paid into the Treasury of the State of Alabama, for the use of said State, subject to the order of the Convention, or the Governor of the State.

SEC. 5. That the Collector aforesaid is hereby authorized and empowered, in the name of the State of Alabama, to take into his possession, and subject to his control, the U. S. Custom House, U. S. Marine Hospital at Mobile, the Light Houses at Choctaw Point, at Mobile Point and Sand Island, the range lights and buoys in Mobile Bay, and the United States Revenue Cutter, Lewis Cass, now lying in the Port of Mobile, and that the officers in charge of these several departments be re-

appointed to their respective offices: *Provided*, they are willing to accept the same from the State of Alabama, and if not, the Collector is hereby authorized to fill the vacancies—under the same regulations as those prescribed for their government under the laws of the United States—that they report, as they have heretofore done, to the Collector—and the Collector is hereby instructed to superintend their duties and to pay their salaries, as he has been accustomed to do under the laws of the United States.

SEC. 6. That the Board of Steamboat Inspectors at the Port of Mobile, be re-appointed by the State of Alabama, and required to continue in the discharge of their duties, as they have heretofore done, under the laws of the United States, and at the same salary—reporting, as heretofore, to the Collector, and instead of the Secretary of the Treasury of the United States, to the Governor of the State.

SEC. 7. That the gold and silver coin of the United States, of England, France, Spain, Mexico, and the Southern Republics, shall be a lawful tender in payment of debts, and duties, at their value, as regulated by the laws of the United States—and that, in the computation of all duties on imports from foreign countries into this State, the laws and the usages, in regard to foreign invoices, of the United States, in reference to the value of the coin or currency of the same, shall continue to be observed.

SEC. 8. That the weights and measures recognized by the laws of the United States, shall be the standard in the State of Alabama, by which all contracts, involving their use, shall be regulated.

SEC. 9. That all discriminating tonnage duties on foreign vessels, and all discriminating duties on foreign goods, wares and merchandise imported into this State, be, and the same are hereby abolished.

SEC. 10. That the Collector aforesaid, shall make monthly returns of the business of his office to the Governor of the State of Alabama, embracing an accurate account, in detail, of his receipts and disbursements—the latter showing the expenses of the Marine Hospital, the Revenue Cutter, and the Light Houses, and the amounts of the salaries of Steamboat Inspectors, of officers of the customs and such incidental charges as appertain to the same; and unless the duties of said

Collector are hereafter modified by this Convention, or some other competent authority, he is hereby required to make report quarter yearly to the Governor of the State, of such statistical returns as he has been heretofore required by the laws of the United States to report to the Secretary of the Treasury.

Adopted, January 23d, 1861.

No. 13.]

AN ORDINANCE

To continue the City of Selma as a Port of Entry.

SEC. 1. *Be it ordained by the people of the State of Alabama, in Convention assembled, and it is hereby ordained by the authority of the same, That the city of Selma and the city of Mobile are continued as Ports of Entry in this State, as they were under the laws of the United States, and that the Ordinances heretofore adopted by this Convention in reference to Customs and Custom Houses, shall apply to the Port of Selma, except so far as the same are specially applicable to the Port of Mobile.*

SEC. 2. That Jonathan Haralson is hereby appointed Collector of Customs at the Port of Selma, and that he proceed to discharge the duties of his office upon his giving bond, with security in the same sum, as that set forth in his bond formerly given to the United States—the said bond to be approved of by the Judge of the 1st Judicial Circuit, and to be transmitted to the Governor of the State to be filed among its archives.

SEC. 3. *Be it further ordained, That this Ordinance and all other Ordinances heretofore adopted by this Convention on the subject of Customs in this State are provisional, and shall not prevent action in reference to the same by the Convention of Deputies to assemble at the city of Montgomery, on the fourth day of February next.*

Adopted, January 26th, 1861.

No. 14.]

AN ORDINANCE.

To transfer and regulate the Jurisdiction and Practice of the several Federal Courts within the limits of the State of Alabama.

Be it ordained by the people of the State of Alabama, in Convention assembled, That the judicial power heretofore forming a part of the judicial power of the United States of America, and which has been resumed by this State, shall be exercised by the Courts of this State hereinafter named.

SEC. 2. *Be it further ordained, That the several Circuit Courts of the State of Alabama, the City Court of Mobile, and the Courts of Chancery in the State of Alabama, shall have, take and exercise original jurisdiction in all cases arising within the jurisdiction of the Federal Courts of the United States, as heretofore existing in the State of Alabama, by virtue of the Constitution of the United States and the laws of Congress as hereinafter provided.*

SEC. 3. *Be it further ordained, That the said Circuit Courts of this State, and the City Court of Mobile, shall have and exercise original jurisdiction in all cases, embracing matters of law or of a maritime or admiralty nature heretofore cognizable in the District or Circuit Courts of the United States, by virtue of the Constitution of the United States of America and the laws of Congress passed in conformity therewith: and that the Courts of Chancery of this State exercise jurisdiction in all cases of equity, heretofore exercised or cognizable in said courts of the United States, under the Constitution and laws thereof: Provided, that this grant of powers shall not be so construed as to give to the City Court of Mobile any right to try causes in which is involved, and in direct issue, the title to land.*

SEC. 4. *Be further ordained, That in cases affecting ambassadors and other public ministers, the Supreme Court of Alabama shall have original and exclusive jurisdiction, and in such cases and in cases affecting consuls, there shall be in all the courts above specified, in the exercise of the jurisdiction hereby conferred, as near a conformity as may be to the regulations and practice now prevailing in the United States Courts. But in all other cases, the pleading, practice and course of*

proceeding, except in cases as hereinafter stated, shall be in all respects as in ordinary cases, arising and pending in said State courts as regulated by the laws of this State.

SEC. 5. *Be it further ordained, That* all cases, except where the United States of America is plaintiff, now pending in said federal courts within the limits of the State of Alabama and on the law side of the said courts or of an admiralty and maritime nature, shall be transferred, with all the books of records, dockets, papers and documents, to the same appertaining, to the several circuit courts in the respective counties in which said federal courts have heretofore been holden, and all process now running on any case now pending in said courts as aforesaid, except where the United States of America is plaintiff, shall be executed by the marshals holding such process and returned to the said circuit courts, and all cases pending in said courts on the equity side of said courts, with all the papers and documents appertaining to said cases on file in said courts, shall be transferred to the chancery courts in the said counties in which said federal courts have heretofore been holden, and all process now running on any such cause now pending as aforesaid, shall be executed by the marshals aforesaid and returned to said chancery courts.

SEC. 6. *Be it further ordained, That* the laws of the United States which were in operation at the time of the secession of the State of Alabama from the United States, concerning offences connected with the Post Office Department, the public customs or seamen, and an act of the Congress of the United States entitled, an act more effectually to provide for the punishment of certain crimes against the United States and for other purposes, approved March 3d, 1825, so far as applicable to the State of Alabama, are hereby adopted as laws of this State until they may be altered or repealed, and all offenses under said laws shall be subject to the jurisdiction of the courts of this State, and said offenses are hereby declared to be offenses against the State of Alabama.

SEC. 7. *Be it further ordained, That* in all cases in which under the laws aforesaid trials have been had by juries, the same shall be tried by juries according to the practice of jury trials in the State of Alabama; and in all cases of admiralty and maritime jurisdiction and all oth-

er cases in which the jury trial has not been established, the form and mode of proceeding shall be such in the said State courts taking jurisdiction of such cases as have been heretofore in use in the said federal courts within this State taking cognizance of such cases.

SEC. 8. *Be it further ordained,* That until otherwise ordered, the clerks of the circuit courts in the respective counties in which the said federal courts have been holden, shall be and become the custodians of all records and papers belonging to the respective officers of the said federal courts, and shall have power in the name and style of the State of Alabama, to issue all process or processes on final judgment existing in said courts, except where the United States of America is plaintiff, and all other process, mesne or final, necessary to the perfection of the rights of suitors in said federal courts, and such process, when so issued, may run to any county in the State of Alabama, and the Sheriffs of said counties to which said process or processes may be sent shall receive, execute and return said process or processes to the office whence said process or processes are issued; and shall receive the same fees for such service as now allowed by law in the State of Alabama for like service, and shall be subject to like pains and penalties for defaults and malfeasance in office in regard to such process or processes as are now prescribed and are now in force in the State of Alabama in regard to processes issued under the laws of the said State; and such process or processes, when so returned as aforesaid, to said respective courts, shall be governed in all respects (except as hereinbefore provided) by the same rules and practice, as the ordinary process or processes issued under the laws of the State of Alabama.

SEC. 9. *Be it further ordained,* That the United States Marshals, in whose hands any process or processes may be running, except where the United States of America is plaintiff, shall execute and make return thereof to the respective courts above prescribed in the foregoing sections, and for any default in executing or in making such returns, or for any failure to pay over money collected on any such process or processes, or for any malfeasance in office, or misconduct of any kind or description, in regard to said process or processes, or in the performance of his official duties, the several parties in interest may have the same remedies against the said marshal or mar-

shals and his or their securities, as are now provided by the laws of the State of Alabama for like defaults or misconduct of sheriffs of the several counties of the State; so, also, if such marshal or marshals shall have been guilty of any default, malfeasance in office, or misconduct of any kind before the secession of the State, by which the parties in interest have had the right to proceed against said marshal or marshals and their securities for such defaults or liability by motion or other proceeding, the said parties shall not lose such right by the secession of the State of Alabama, but shall have the right to proceed to enforce the said claim before the courts above specified, in the same manner as prescribed in the preceding part of this section; and that such marshal shall be entitled to the same pay as provided by the laws of the United States.

SEC. 10. *Be it further ordained*, That an act of the Congress of the United States passed May 26, 1790, entitled "An act to prescribe the mode in which the public acts, records, and judicial proceedings in each State shall be authenticated so as to take effect in every other State," and also an act of the Congress of the United States, passed the 27th day of March, 1804, entitled "An act supplementary to an act entitled 'an act to prescribe the mode in which the public acts, records, and judicial proceedings in each State shall be authenticated so as to take effect in every other State,' " and which said acts of Congress are found in the code of Alabama on page 50, are hereby adopted as the laws of the State of Alabama, and that all records, papers and documents, of every kind and description, authenticated according to said acts of Congress, shall be, to all intents and purposes, as valid, and of the same force and effect, as if the State of Alabama had not seceded from the United States of America.

SEC. 11. *Be it further ordained*, That in all cases in which an appeal or writ of error from any judgment or decree of the Supreme Court of the State of Alabama has been taken to the Supreme Court of the United States of America and which was pending in said Supreme Court of the United States, before the 11th of January, 1861, Supreme Court of the State of Alabama shall proceed to execute such judgment as if no appeal or writ of error had been taken, and in all cases in which an appeal or writ of error had been taken from any district or

circuit court of the United States of America holden in the State of Alabama, to the Supreme Court of the United States of America, and which was pending in said Supreme Court before the 11th day of January, 1861, the appeal shall be considered as taken to the Supreme Court of the State of Alabama, and the party appealing or taking such writ of error, may file a transcript in said supreme court of the State of Alabama, within six months from this date, and said court shall take jurisdiction upon the same as if the appeal or writ of error had been originally taken to said Supreme Court of Alabama, and if such transcript be not filed within the time aforesaid, then said appeal shall be null and void and the proper court shall proceed to execute the judgment originally rendered. But before filing such transcript the party shall give bond and security, as now required by law for appeals to the Supreme Court of the State of Alabama, which bond shall be given in the court to which the cause is transferred by this ordinance.

SEC. 12. *Be it further ordained*, That no suit in which the United States of America is the party plaintiff against any citizen or citizens of the State of Alabama, shall by reason of the foregoing ordinance be transferred to or tried by any of the courts of the State of Alabama, nor shall any suit be brought in the name of the United States of America in any of the courts aforesaid against any citizen or citizens of this State, until otherwise ordered by this Convention or by the General Assembly of the State of Alabama.

SEC. 13. *Be it further ordained*, That the federal jurisdiction disposed of in the above and foregoing ordinance shall be exercised by the State courts above named only until the Southern Congress now contemplated shall otherwise dispose of the same.

Adopted, January 26, 1861.

No. 15.] AN ORDINANCE

In reference to the several Ordinances passed by this Convention in relation to Federal Affairs.

Be it ordained by the people of the State of Alabama, in Convention assembled, That the several ordi-

nances passed by this Convention, in reference to subjects over which the Federal Government had jurisdiction, under the Constitution of the United States, before the State of Alabama seceded from the Union, shall remain in force only till the Provisional, or Permanent Government, hereafter to be established by the Seceding States, shall exercise its powers on the same subjects, and, by constitutional provision, ordinance, or laws, passed by authority of such Government, establish rules and regulations inconsistent therewith.

Adopted, January 29th, 1861.

No. 16.]

AN ORDINANCE

To preserve the Laws of Alabama, and such Offices, Rights and Remedies as are consistent with the Ordinance of Secession, and with other Ordinances adopted by this Convention.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That no law enacted by the authority of the State of Alabama, in force on the eleventh day of January, A. D. 1861, and consistent with the Constitution of this State, and not inconsistent with the ordinances of this Convention, is affected by the ordinance known as the Ordinance of Secession, adopted on said day, and entitled "an Ordinance to dissolve the union between the State of Alabama and other States united under the compact styled the Constitution of the United States."

SEC. 2. No office, civil or military, created by this State, or under the authority of its laws, in force on the eleventh day of January, A. D. 1861, and no officer lawfully exercising the powers or duties of such office, is affected by said Ordinance of Secession, except the offices of the members of the House of Representatives and of the Senators of the Congress of the United States of America, and these are abrogated.

SEC. 3. No offense against the laws of this State, committed before or since the adoption of said Ordinance of Secession, is affected by said ordinance, and no offender against said laws is relieved or discharged from the consequences of such offense by said ordinance; and

no amercement, fine, penalty, forfeiture, escheat, bond, or recognizance, accruing or enuring, in whole or in part, to the State of Alabama, whether in action or in judgment, is affected by said ordinance.

SEC. 4. No bond issued by authority of the laws of this State, or bills or coin lawfully used as money in this State, and no bond, obligation, debt or duty, due or owing to this State, or enuring, in whole or in part, to this State, before or since the adoption of said ordinance, is affected thereby.

SEC. 5. No process or proceeding of any court of this State is affected by said Ordinance of Secession.

SEC. 6. No right, title, franchise, easement, license or privilege given, granted, or conferred to or upon any person or body corporate, under and by authority of the laws of this State, and no right of possession or property, action or prosecution, title, claim, contract, agreement, obligation, debt or duty of any person or body corporate, is affected by said Ordinance of Secession, unless the same is inconsistent with said ordinance, or is affected by some other ordinance of this Convention.

SEC. 7. No rights acquired, or vested in any body corporate under the Constitution of the United States, or under any act of Congress passed in pursuance thereof, or under any law of this State, and not incompatible with said Ordinance of Secession, is affected by said ordinance.

No. 17.]

AN ORDINANCE

Concerning Foreign Coin.

Be it ordained by the people of Alabama in Convention assembled, That the laws of the United States late in force in this State, relating to the denomination and value of the gold and silver coin of the United States and other foreign countries, shall be adopted as the laws of this State until otherwise provided; and such coins shall be a legal tender in this State, at the value now fixed by such laws.

Adopted, January 24, 1861.

No. 18.]

AN ORDINANCE

For the Issuance of State Bonds.

Be it declared and ordained, and it is hereby declared and ordained by the people of Alabama, by their Delegates, in Convention assembled, That in order to provide for the payment of any extraordinary expenses of the State Government, the General Assembly of this State shall have power to cause to be issued Bonds of the State of Alabama, to such an amount and in such sums as they may deem best, the principal and interest to be made payable at such time and place, and at such rate as the General Assembly may prescribe, and the faith and credit of the State to stand pledged for the punctual payment of principal and interest of such bonds.

Adopted, January 19, 1861.

No. 19.]

AN ORDINANCE

To make Provisional Postal Arrangements in Alabama.

As it ordained by the people of Alabama in Convention assembled, That the postal contracts, arrangements and regulations in force on the eleventh day of January, A. D. eighteen hundred and sixty-one, are permitted to be continued, and the persons charged with the duties thereof are permitted to continue to discharge such duties until a postal treaty or treaties shall be concluded, or until otherwise ordered or provided by the authority of this State.

Adopted, January 15, 1861.

No. 20.]

AN ORDINANCE

Supplemental to an Ordinance to make Provisional Postal Arrangements.

Be it ordained by the people of Alabama in Convention assembled, That until such time as a Provisional or Permanent Government is established, of which Alabama shall

become a member, the General Assembly of the State of Alabama has full power and authority to make provisional postal arrangements for this State.

Adopted, January 26, 1861.

RESOLUTIONS

ADOPTED BY THE

PEOPLE OF THE STATE OF ALABAMA,

IN CONVENTION, AT MONTGOMERY,

COMMENCING ON THE

Seventh day of January, 1861.

RESOLUTIONS.

In relation to the formation of a Provisional and Permanent Government between the Seceding States.

Resolved, That this Convention cordially approve of the suggestions of the Convention of the people of South Carolina to meet them in Convention at Montgomery, in the State of Alabama, on the fourth day of February, 1861, to frame a Provisional Government, upon the principles of the Constitution of the United States, and also to prepare and consider upon a plan for the creation and establishment of a Permanent Government for the seceding States, upon the same principles, which shall be submitted to Conventions of such seceding States for adoption or rejection.

Resolved, That we approve of the suggestion that each State shall send to said Convention as many deputies as it now has, or has lately had, Senators and Representatives in the Congress of the United States; and that each State shall have one vote upon all questions upon which a vote may be taken in said Convention.

Resolved, therefore, That this Convention will proceed to elect, by ballot, one deputy from each Congressional District in this State, and two deputies from the State at large, at twelve o'clock, meridian, on Friday, the 18th of January instant, who shall be authorized to meet in Convention such deputies as may be appointed by the other slaveholding States who may secede from the Federal Union, for the purpose of carrying into effect the foregoing and the resolutions attached to the Ordinance dissolving the Union; and that deputies shall be elected separately, and each deputy shall receive a majority of the members voting.

Adopted, January 17, 1861.

RESOLUTION

In relation to the Navigation of the Mississippi River.

WHEREAS, the navigation of the Mississippi river is a question in which several Northern States and Southern States yet in the Federal Union, are deeply interested; and whereas, the people of the State of Louisiana are about to consider of the propriety of seceding from said Union; and whereas, this is a subject which will properly come under the consideration of the Convention of Seceding States to meet on the fourth day of February—

Be it resolved, That it is the deliberate sense of this Convention that the navigation of the Mississippi river to the people of the States and Territories of the Federal Union upon it and its tributaries, should remain free, and that no restriction upon this privilege should be made, further than may be necessary for tonnage duties to keep open, and make safe, the navigation of the mouth of said river, and for purposes of protection against a belligerent and unfriendly people.

Adopted, January 25, 1861.

RESOLUTION

In relation to the African Slave Trade.

WHEREAS, the people of Alabama are opposed, on the grounds of public policy, to the re-opening of the African Slave Trade; therefore,

Resolved, That it is the will of the people of Alabama that the deputies elected by this Convention to the Southern Convention, to meet at the city of Montgomery on the fourth day of February next to form a Southern Republic, be and they are hereby instructed to insist on the enactment by said Convention of such restrictions as will effectually prevent the re-opening of the African Slave Trade.

Adopted, January 28, 1861.

MONTGOMERY, ALABAMA, }
January 30, 1861. }

I hereby certify that the foregoing Ordinances and Resolutions are correct copies, corrected from the original rolls.

A. G. HORN,
Secretary of the Convention.